

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 15, 2006.

Claims 1-5, 7 and 9-11 stand rejected on grounds of anticipation by Turner (WO 97/27617) (the bottom of page 2 of the Office Action is missing some text). Claim 6 stands rejected on grounds of obviousness over the aforementioned Turner reference, in further view of Guenter (EP 1,124,089). Lastly, claims 8, 12 and 13 stand rejected over Turner, in view of Roberts (4,658,179). Reconsideration is requested.

In the previous communication, the applicant wrote: "The instant invention differs from Conventional Art Figure 1 in the fact that the applicant provides an integrally formed rear mirror which rotates with the bulb." (Emphasis in the original.) Contrary to the manner in which the word "integral" is used in the present application, the Office Action takes a broader and abstract reading of the term "integral" and insists that "integral" has only one definition, namely something "composed of parts that together make a whole". In the widely discussed and publicized recent decision of the Federal Circuit, namely in the *Phillips v. AWH* Decision, The Federal Circuit stated that the meaning of claim terms should be ascertained by reference to the specification in the first instance, not dictionaries. "Integral" is too widely used and has too many nuances to simply take the broadest "dictionary" meaning and discard the meaning that applicant has attached to it. Nevertheless, to avoid the issue, the applicant has now amended claim 1 to make the definition that applicant has always used for that term quite explicit.

Accordingly, claim 1 now specifically recites that the rear mirror is "integrally fixed to the bulb stem and integrally rotatable together with the bulb when the bulb is rotated". Thus, the applicant is not claiming different than was previously claimed. The amendment has merely made explicit the meaning which the Examiner has previously refused to ascribe to the term "integral", as applicant has used it.

Turning to the Turner reference, it is very clear from reviewing the text beginning at the bottom of page 6 and at the top of page 7 thereof, that the bulb stem in this reference passes through a small centrally located "aperture 53" in the mirror disc 50, which comprises the reflector. The hole is of sufficient size to permit the stem 25 or the bulb to pass therethrough.

Since it is of sufficient size to pass bulb stem, it is by definition not so structured that the mirror is rotatable with the bulb stem. The prior art structure is not “integral” as that term is used by applicant. The applicant has clearly explained in this specification that the difference is sufficiently significant to provide significantly improved functionality. Reference is also made to the drawings of this reference, which clearly show that the bulb would rotate while the reflector 50 would not.

Thus, since the rear mirror is integrally fixed to the bulb, without the provision of any aperture, as in the prior art, the loss of light through the aperture is effectively prevented. This has been found by the instant inventors to provide a lighting efficiency which is quite improved.

Furthermore, since the rear mirror is integrally rotatable with the bulb, heat transmitted from the rear mirror is easily cooled, thereby preventing thermal damage such as peeling away of a coated layer of the rear mirror. Again, this feature would not be provided by the device of Turner.

Still further, since the rear mirror is located to the rear of the bulb and is located between the bulb and the end portion of the reflector, the size of the reflector can be minimized and the reflective efficiency of the rear mirror is increased.

The invention of claim 1 and that of the prior art are clearly directed to different structures, and the structural differences are quite meaningful.

In summary, the applicant is not raising in the present Amendment any issue that was not previously discussed and considered by the Examiner. The applicant is emphatically disputing the use of a dictionary to define “integral” in the context of the present invention. The Federal Circuit has now made it clear that the dictionary must be resorted to only as a secondary source, not as the first source. The first source for defining a term is the specification itself. Even under a dictionary meaning, applicant disputes that the bulb of the prior art which passes through an aperture of the reflector disc and is not rotatable therewith, would be considered by one of ordinary skill in the mechanical arts to be “integrally” formed with one another. However, the present amendment has made this explicit, with the specific aim to obviate the Examiner’s broad definition of the term “integral”. No new issues are being raised in this Amendment after a Final Rejection.

Accordingly, it is respectfully submitted that independent claim 1 clearly is distinguishable over the prior art and the remaining claims, which depend therefrom, are even more limited in scope and, therefore, all of the claims in the application are patentable.

The Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Washington, D.C. 20231, on June 15, 2006

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